			UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.uspto.gov	Trademark Office OR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,711	02/06/2004	John C. Montagna	601227-38U1	8293
54380 75	90 03/28/2006		EXAM	INER
FLASTER/GREENBERG P.C.			GUTMAN, HILARY L	
8 PENN CENTER 1628 John F. Kennedy Blvd.			ART UNIT	PAPER NUMBER
15TH FLOOR			3612	
PHILADELPH	IA, PA 19103		DATE MAILED: 03/28/2006	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	10/773,711	MONTAGNA ET AL.			
Office Action Summary	Examiner	Art Unit			
	Hilary Gutman	3612			
The MAILING DATE of this communication ap Period for Reply		ith the correspondence address			
A SHORTENED STATUTORY PERIOD FOR REP WHICHEVER IS LONGER, FROM THE MAILING I - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNI .136(a). In no event, however, may a d will apply and will expire SIX (6) MON te, cause the application to become A	CATION. reply be timely filed ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on <u>13</u>	March 2006.				
	is action is non-final.				
3) Since this application is in condition for allow	ance except for formal mat	ters, prosecution as to the merits is			
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D	). 11, 453 O.G. 213.			
Disposition of Claims					
4)⊠ Claim(s) <u>22-30</u> is/are pending in the applicati	on.				
4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>22-30</u> is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/	or election requirement.				
Application Papers					
9) The specification is objected to by the Examir	her				
10)⊠ The drawing(s) filed on <u>06 February 2004</u> is/a		objected to by the Examiner			
Applicant may not request that any objection to the					
Replacement drawing sheet(s) including the corre					
11) The oath or declaration is objected to by the E					
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreig	in priority under 35 U.S.C. §	3 1 19(a)-(d) or (t).			
a) All b) Some * c) None of:	ate have been received				
1. Certified copies of the priority documer		Application No.			
2. Certified copies of the priority documer					
3. Copies of the certified copies of the pri application from the International Bure	-	received in this National Stage			
* See the attached detailed Office action for a lis		received			
Attachment(s)					
1) D Notice of References Cited (PTO-892)		Summary (PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)		s)/Mail Date			
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/0) Paper No(s)/Mail Date <u>3/13/06</u> .	6) 🗌 Other:	Informal Patent Application (PTO-152)			
U.S. Patent and Trademark Office					

## DETAILED ACTIÓN

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Dresen et al.

Dresen et al. (4,693,507) disclose a cargo carrier for a motor vehicle comprising, in combination, a co-formed composite sheet having a first layer 84 of a first thermoplastic material and a second layer 16 of a second thermoplastic material bonded to said first layer, said composite sheet formed to define a pair of opposed, spaced apart sidewalls, a front wall extending between and merging with said sidewalls, a bottom panel extending between and merging with said sidewalls and said front wall and a pair of wheel well features disposed generally between said bottom panel and a respective one of said pair of sidewalls (Figure 1).

With regard to claim 23, the sheet comprises a first layer of a first thermoplastic material and a second layer of a second thermoplastic material formed together as a composite sheet.

With regard to claim 24, wherein said composite sheet is co-extruded.

With regard to claim 25, wherein said first layer is an upper layer is a modified polyolefin.

With regard to claim 26, wherein said first and second layers are bonded together without an adhesive.

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With regard to claims 27-28, wherein said second layer 16 is a lower layer of high density polyethylene.

With regard to claim 29, wherein said roughened, friction enhancing surface is achieved.

Dresen et al. further clearly discloses a friction enhancing surface. The surface is provided with corrugations or elongate depressions therein. The elongate depressions provide for and thus create a roughened surface.

With regard to claim 30, the depressions are elongate in structure.

It should be noted that the patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process (MPEP 2 1 13).

## **Response to Arguments**

3. Applicant's arguments with respect to claims 22-31 have been considered but are moot in view of the new ground(s) of rejection.

With regard to the IDS filed 1/4/05, the examiner has just now received two separate information disclosure statements (both filed 3/13/06). These are now being considered.

## Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 22, 2006